

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

VERISIGN, INC.,

Plaintiff,

v.

XYZ.COM, LLC

-and-

DANIEL NEGARI,

Defendants.

**Case No. 1:14-cv-01749-CMH-
MSN**

DECLARATION OF THOMAS C. INDELICARTO

I, Thomas Indelicarto, hereby declare as follows:

1. I am General Counsel for Plaintiff VeriSign, Inc. ("Verisign").
2. I am admitted Corporate Counsel to practice law in the Commonwealth of Virginia.
3. I have attended hundreds of depositions in my career.
4. I attended the June 15, 2015 deposition of Daniel Negari.
5. Based on my observation of the deposition, Mr. Negari's testimony was evasive and frustrated Verisign's right to obtain discovery.
6. At no time did I engage in any conduct that would interfere with the deposition.
7. At one point during the deposition, I began to eat lunch. I purposefully turned away from the witness when I did so in order to avoid any possibility of distraction of the witness. Mr. Negari insisted on taking a noon lunch break, even though the deposition started at 10:00, and our sandwiches were scheduled to arrive at 1:00. We took the lunch break at noon in deference to Mr. Negari. Later when the sandwiches arrived, I wanted to avoid taking another break.
8. The moment I began to eat, Mr. Newman accused me of intimidating the witness even though I had turned away from the witness. These statements were not true

and I believe they were designed to manufacture a record to be used to distract attention away from the deponent's evasive conduct. I therefore responded.

9. On two or three of the breaks from the deposition, I participated in meetings in which Verisign's counsel urged defense counsel to advise Mr. Negari to stop being evasive so that we could complete a meaningful deposition and to avoid motions practice. I told defense counsel that I thought Mr. Negari's evasive conduct could result in sanctions if it continued. At all times, my tone and language during these meetings was professional.
10. I participated in these meetings in good faith, with a genuine hope that the witness would stop being evasive, and that we thereby could avoid a motion.

I certify and declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed on June 23, 2015

A handwritten signature in black ink, appearing to read "Tom Indelicarto", written over a horizontal line.

Thomas C. Indelicarto

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of June, 2015, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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